IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 3571 of 2003

For Approval and Signature:
HON'BLE MR.JUSTICE A.M.KAPADIA

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1	Whether Reporters of Local Papers may be allowed to see the judgment ?
2	To be referred to the Reporter or not ?
3	Whether their Lordships wish to see the fair copy of the judgment ?
4	Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?
5	Whether it is to be circulated to the civil judge ?

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KOKILABENTHAKORLALRANA - Petitioner(s)

Versus

SURESHBHAI LALLUBHAI RANA &3 - Respondent(s)

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Appearance :

MR ASHOK K PADIAfor Petitioner No(s).: 1.
RULE SERVED for Respondent No(s).: 1,2.
MS. ARCHANA RAWAL, AGP for Respondent No(s).: 3.

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CORAM :HON'BLE MR.JUSTICE A.M.KAPADIA

Date : 05/07/2005

ORAL JUDGMENT

1.By filing instant petition under Article 227 of the Constitution of India, petitioner seeks to challenge the order dated 13.2.2002 recorded below application exh.63 in Court Fees Reference No. 5 of 2000 by the learned 7th Joint Civil Judge (SD), Bharuch, by which Court Fees Reference filed by the Court Fee Inspector in Regular Civil Suit No. 75 of 1996 filed by the petitioner came to be allowed and thereby petitioner was directed to deposit deficit Court Fee Stamp of Rs.3,290/- within a period of one month.

2.Having heard Mr. Ashok K. Padia, learned advocate of the petitioner, Ms. Archana Rawal, learned AGP for respondent No.3 and on perusal of the impugned order, according to this Court, no illegality or jurisdictional error has been committed by the learned 7thJoint Civil Judge (SD), Bharuch in passing the impugned order requiring interference by this Court in a petition filed under Article 227 of the Constitution of India.

3.It is settled principle of law that powers vested in Court under Article 227 of the Constitution of India is a supervisory jurisdiction. The High Court must confine itself to the correcting of error of jurisdiction committed by the Courts below and it cannot assume suo motu jurisdiction of appellate Court and correct every mistake assumed to have been committed by the Courts below. It is a review of the decision making process and not the decision itself. The High Court cannot reappreciate preliminary or perceptive facts found by the fact finding authority under the statute. The aforesaid proposition of law is laid down by the Apex Court in the case of (i) Mohd. Yunus v. Mohd. Mustaqim &others, AIR 1984 SC 38, (ii) Khanna Improvement Trust v. Land Acquisition Tribunal and others (1995) 2 SCC 557 and (iii) H.B.Gandhi v. M/s Gopinath, (1992) Supp. 2 SCC 312 (iv) State of Maharashtra v. Miland and others, (2000) 1 SCC 4.

4.In the case of Ouseph Mathai and others v/s. M.Abdul Khadir, (2002) 1 SCC 319, Supreme Court has held that the petition filed under Article 227 of the Constitution of India cannot be treated like an extension of a statutory appeal or revision.

5.In aforesaid view of the matter this petition lacks merit and deserves to be rejected.

6.For the foregoing reasons, the petition fails and accordingly it is rejected with no order as to costs. Rule is discharged.

(A.M.Kapadia,J)

Jayanti*